

# **EXHIBIT HH**

# Estate of Ernest Marshall

# VCF Documentation



September 11th  
Victim Compensation Fund

March 3, 2020

GLORIA BROWNE-MARSHALL  
383 GRAND STREET APT. 803  
NEW YORK NY 10002

Dear GLORIA BROWNE-MARSHALL:

The September 11th Victim Compensation Fund ("VCF") has reviewed your claim for eligibility. You submitted a claim form on behalf of ERNEST MARSHALL. Your claim number is VCF0097672. Your claim form was determined to be substantially complete on March 02, 2020. As stated in the Regulations and on the claim form, by filing a substantially complete claim form, you have waived your right to file or be a party to a September 11th-related lawsuit on behalf of the decedent and his or her survivors.

### **The Decision on your Claim**

The VCF has determined that the decedent has met the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, the decedent has been found eligible for the following injuries:

- MALIGNANT NEOPLASM OF BRONCHUS AND LUNG

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

### **What Happens Next**

**If the decedent was certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

**If you believe the decedent had eligible injuries not treated by the WTC Health Program** and you would like the VCF to consider those injuries before calculating the amount of any compensation, you should amend your claim. If you choose to amend your claim, you will need to use the VCF Private Physician process. The Private Physician process is a way for the VCF to gather the required information about the decedent's treatment in order to process your claim.



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All forms are available on the VCF website under “Forms and Resources.” The website also includes detailed information and instructions on the Private Physician process.

**If the decedent did not have injuries other than those listed above,** you should submit the compensation section of your claim form and the required supporting materials if you have not already done so. If you have already submitted this information, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: WENDELL TONG



September 11th  
Victim Compensation Fund

June 24, 2021

GLORIA BROWNE-MARSHALL  
383 GRAND STREET APT. 803  
NEW YORK NY 10002

**Re: CLAIM NUMBER: VCF0097672**

Dear GLORIA BROWNE-MARSHALL:

The September 11th Victim Compensation Fund ("VCF") sent you a letter on September 30, 2020 notifying you of the decision on your claim and the amount of your award. That letter included a request for documents that were missing from your claim and are required in order to process your payment. The VCF has since received the requested documents and this letter provides the details of your award and information on the next steps to be taken on your claim.

After reviewing the responses in your claim form, the documents you submitted in support of your claim, and information from third-party entities, the VCF has calculated the amount of your award as **\$687,150.91**. This determination is in accordance with the requirements of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act ("VCF Permanent Authorization Act"). The enclosed "Award Detail" includes a detailed explanation of the calculation and a list of the eligible conditions that were considered when calculating your award.

The VCF calculated your husband's wrongful death loss of earnings award using the average of his 2013 and 2015 earnings. The VCF used an average because your husband's earnings history demonstrated fluctuating earnings. We did not use your husband's 2016 earnings, as they were presumably impacted by the treatment for his eligible cancer.

No non-routine legal service expenses are approved for reimbursement for this claim.

As the Personal Representative, you are required to distribute any payment received from the VCF on behalf of the victim to the eligible survivors or other recipients in accordance with the applicable state law or any applicable ruling made by a court of competent jurisdiction or as provided by the Special Master.

**What Happens Next**

The VCF will deem this award to be final and will begin processing the full payment on your claim unless you complete and return the enclosed Compensation Appeal Request Form within **30 days from the date of this letter** as explained below. If you do not appeal, the Special Master will authorize the payment on your claim within 20 days of the end of the 30-day appeal period. Once the Special Master has authorized the payment, it may take up to three weeks for the United States Treasury to disburse the money into the bank account



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designated on the VCF ACH Payment Information Form or other payment authorization document you submitted to the VCF.

- **Appealing the Award:** You may request a hearing before the Special Master or her designee if you believe the amount of your award was erroneously calculated, or if you believe you can demonstrate extraordinary circumstances indicating that the calculation does not adequately address your loss. **If you choose to appeal, your payment will not be processed until your hearing has been held and a decision has been rendered on your appeal.**

To appeal the award, you must complete two steps by the required deadlines:

1. Complete and return the enclosed **Compensation Appeal Request Form** within **30 days from the date of this letter**. Follow the instructions on the form and upload it to your claim or mail it to the VCF by the required deadline. If you do not submit your completed Compensation Appeal Request Form within 30 days of the date of this letter, *you will have waived your right to an appeal* and the VCF will begin processing any payment due on your claim.
2. Complete and submit your **Compensation Appeal Package** (Pre-Hearing Questionnaire, Compensation Explanation of Appeal, and all applicable supporting documents) no later than **60 days from the date of this letter**. It is important that you carefully review the information enclosed with this letter and follow the instructions if you intend to appeal your award. Additional instructions on the appeals process can be found on the VCF website under "Frequently Asked Questions" and in the Policies and Procedures available under "Forms and Resources."

Once your complete Compensation Appeal Package is submitted, the VCF will review the information to confirm you have a valid appeal, and will notify you of the next steps specific to your appeal and the scheduling of your hearing.

- **Notifying the VCF of new Collateral Source Payments:** You must inform the VCF of any new collateral source payments you receive, or become entitled to receive, such as a change to your disability or survivor benefits, as this may change the amount of your award. If you notify the VCF within 90 days of learning of the new collateral source payment, your award will not be adjusted to reflect the new entitlement or payment. If you notify the VCF more than 90 days after learning of the new or revised entitlement or payment, the VCF may adjust your award to reflect the new payment as an offset, which may result in a lower award. If you need to notify the VCF of a new collateral source payment, please complete the "Collateral Offset Update Form" found under "Forms and Resources" on the [www.vcf.gov](http://www.vcf.gov) website.

Your award was calculated using our published regulations, and I believe it is fair and reasonable under the requirements of the VCF Permanent Authorization Act. As always, I emphasize that no amount of money can alleviate the losses suffered on September 11, 2001.

If you have any questions, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0097672**. For the hearing impaired, please call 1-



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855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

WENDELL TONG can access the electronic copy of this letter uploaded to your online claim.





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## Award Detail

Claim Number: VCF0097672  
Decedent Name: ERNEST MARSHALL

PERSONAL INJURY CLAIM (Losses up to Date of Death)	
<b>Lost Earnings and Benefits</b>	
Loss of Earnings including Benefits and Pension	\$0.00
Mitigating or Residual Earnings	\$0.00
<b>Total Lost Earnings and Benefits</b>	<b>\$0.00</b>
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Disability Pension	\$0.00
Social Security Disability Benefits	\$0.00
Workers Compensation Disability Benefits	\$0.00
Disability Insurance	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Lost Earnings</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Medical Expense Loss	\$0.00
Replacement Services	\$0.00
<b>Total Other Economic Losses</b>	<b>\$0.00</b>
<b>Total Economic Loss</b>	<b>\$0.00</b>
<b>Total Non-Economic Loss</b>	<b>\$250,000.00</b>
<b>Subtotal Award for Personal Injury Claim</b>	<b>\$250,000.00</b>



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<b>DECEASED CLAIM (Losses from Date of Death)</b>	
<b>Loss of Earnings including Benefits and Pension</b>	<b>\$64,272.00</b>
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Survivor Pension	\$0.00
SSA Survivor Benefits	\$0.00
Worker's Compensation Death Benefits	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Loss of Earnings and Benefits</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$64,272.00</b>
<b>Other Economic Losses</b>	
Replacement Services	\$40,731.00
Burial Costs	\$10,110.55
<b>Total Other Economic Losses</b>	<b>\$50,841.55</b>
<b>Total Economic Loss</b>	<b>\$115,113.55</b>
<b>Non-Economic Loss</b>	
Non-Economic Loss - Decedent	\$250,000.00
Non-Economic Loss - Spouse/Dependent(s)	\$100,000.00
<b>Total Non-Economic Loss</b>	<b>\$350,000.00</b>
<b>Additional Offsets</b>	
Social Security Death Benefits	(\$255.00)
Life Insurance	(\$27,707.64)
Other Offsets	\$0.00
<b>Total Additional Offsets</b>	<b>(\$27,962.64)</b>
<b>Subtotal Award for Deceased Claim</b>	<b>\$437,150.91</b>



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<b>Subtotal of Personal Injury and Deceased Claims</b>	\$687,150.91
PSOB Offset	\$0.00
Prior Lawsuit Settlement Offset	\$0.00
<b>TOTAL AWARD</b>	<b>\$687,150.91</b>
<b>Factors Underlying Economic Loss Calculation</b>	
Annual Earnings Basis (without benefits)	\$10,459.61
Percentage of Disability attributed to Eligible Conditions - applicable to Personal Injury losses	
Start Date of Loss of Earnings Due to Disability - applicable to Personal Injury losses	

<b>Eligible Conditions Considered in Award</b>
Malignant Neoplasm of Bronchus and Lung

# Family Member Affidavits

Gloria Browne-Marshall

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
RAYMOND ALEXANDER, et al.,

**AFFIDAVIT OF GLORIA  
BROWNE-MARSHALL**

Plaintiffs,

21-CV-03505 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

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STATE OF NEW YORK     )  
                                      : SS  
COUNTY OF NEW YORK )

GLORIA BROWNE-MARSHALL, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at 383 Grand Street, #803, New York, New York 10002.
2. I am currently 63 years old, having been born on January 23<sup>rd</sup>, 1960.
3. I am the wife of Decedent, Ernest Marshall, upon whose death my claims are based. I submit this Affidavit in support of the present motion for a default money judgment for the claim made on behalf of my husband's estate and for my solatium claim. On May 31, 2017, I was issued Letters of Administration as Administrator of my husband's estate by the New York County Surrogate's Court.
4. My husband passed away from lung cancer on December 5<sup>th</sup>, 2016, at the age of 57 years old. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. My husband Ernest "Ernie Marshall" wanted to live. He was inspired to live life to the fullest by his hometown of New York City. He was a southerner at heart because his parents were from small farm towns in North Carolina and South Carolina. My husband and I were life partners in all aspects of life. He would drive me to all my community meetings and speaking engagements. After college, Ernie successfully applied his skills in corporate America working at NYNEX, KPMG, and British Petroleum. However, he soon answered the entrepreneurial call and opened his own tax consulting and business management company. He successfully grew the business and developed a coveted list of individual and corporate clients. His business resided at 67 Wall Street in Manhattan until March of 2002, when the business would move to 30 Wall Street.

6. My husband and I watched the World Trade Center Towers fall. That morning on September 9, 2001, we were asleep. He heard the plane crash and jumped up, waking me. We screamed and cried in each other's arms. Then, falling to our knees, we prayed for those inside the burning buildings. The smoke and dust blew directly into our apartment because there was no building between the towers and our eighth-floor apartment terrace where we stood, in shock.

7. In 2013, he developed a cough. By 2015, he was coughing uncontrollably. In January 2016, he was diagnosed with 4th stage lung cancer. I watched my teddy bear husband go from weighing 230 pounds to 160 pounds. He was a snazzy dresser who could no longer wear his clothes due to his weight loss. He had nightmares of suffocating. Doctors, radiation treatments, three cyber knife procedures to his brain, chemotherapeutic stopped working, a tumor two inches high in his head, shoulder, back. Oxygen tanks by day and night, medications hourly, wheelchair, handrails in the bathroom, unable to bath himself, unable to walk, no appetite, heart palpitations, and the shame of losing control of the accounting business it took him thirty years to build.



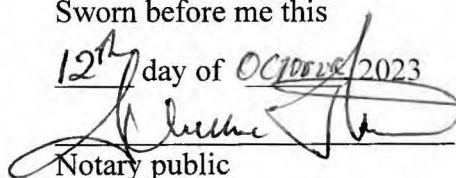
8. My Ernie loved life and fought like hell to live. On December 5, at 4:54 in the morning, my husband cried out to me "Help. Help me." Then, he fell into my arms. I just kept repeating how much I loved him. I love you. The ordeal with the paramedics broke my heart. His death broke my heart. He was only 57. Since he has passed, it has been difficult trying to juggle the household chores my husband would have done if he was here to help me. My husband would do service on the family's cars all the time. We also had a second home in Delaware where he would do all the lawn care that needed to be done. However, since he passed that duty had fallen onto me. My husband was a huge help with my career as well. He would prepare event space by setting up tables and chairs, making copies of handouts and brochures, and video recording the event. He also managed both of our finances and bills since he was an accountant. I now have to do all these things because he is not here to help me in that department anymore.



GLORIA BROWNE-MARSHALL

Sworn before me this

12<sup>th</sup> day of October 2023



Notary public

